IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5408 OF 2007
(FOR RESTORATION)
IN
FIRST APPEAL NO.756 OF 2006

Shri Shamrao Balwantrao Kedar .. Applicant
v/s.
Sau. Suman Balu Thorat and others .. Respondents

Mr. M.M. Sathaye for the applicant.
Mr. Ramesh Dubepatil i/by M/s. Ajay Misar & Co. for the respondent No.1.
Mr. Rameshwar Gite for the respondent Nos.4 and 5.

CORAM : ABHAY S. OKA, J.
DATED : 29TH NOVEMBER, 2007

P.C.

Heard the advocates appearing for the parties.

2. The application is opposed by the learned advocate for the respondent No.1 and the learned advocate for the respondent Nos.4 and 5. The advocate for the first respondent states that after the dismissal of appeal, third party interests have been created the details of which have been set out in the reply which is served to the advocate for the applicant.

3. As the appeal has been dismissed for non-prosecution on account of failure to file paper-book, the same deserves to be restored. Accordingly, the application is allowed in terms of prayer clause (a) and (b). Liberty to the applicant to apply for appropriate interim relief.

ABHAY S. OKA, J.